## UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON

In re:

Adopting Amended Electronic Filing Procedures

**GENERAL ORDER NO. 2013-2** 

This General Order amends the Administrative Procedures and Technical Requirements for Filing, Signing and Verifying Pleadings and Papers by Electronic Means (the "Electronic Filing Procedures") adopted on May 31, 2011, by General Order 2011-1. Specifically, the Electronic Filing Procedures are amended as follows:

- Limited Use Accounts are expanded slightly to conform to current procedures for mediation related events and court approved transcription providers.
- Individual ECF accounts will only be provided to those who are in a designated participant category.
- The filing fee section is updated to reflect the requirements of General Order 2012-3 concerning paying an initial installment along with the application to pay in installments.
- The ECF lock-out time is updated to conform with General Order 2012-3.

GENERAL ORDER NO. 2013-2 - 1

These amendments are necessary to bring the Electronic Filing Procedures into conformance with current court practices and procedures.

NOW, THEREFORE, it is hereby **ORDERED**:

- 1. This General Order supercedes General Orders 2011-1 and 2008-2.
- 2. The Administrative Procedures and Technical Requirements for Filing, Signing and Verifying Pleadings and Papers by Electronic Means (the "Electronic Filing Procedures" attached hereto as Exhibit 1, including the Participant Registration Form (Exhibit A) and Limited Use Registration Form (Exhibit B), are approved as of January 7, 2013.

DATE: January <u>7</u>, 2013.

FOR THE COURT:

Honorable Paul B. Snyder Chief Judge

Honorable Marc Barreca Honorable Philip H. Brandt Honorable Timothy W. Dore Honorable Brian D. Lynch Honorable Karen A. Overstreet

## UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON

# ADMINISTRATIVE PROCEDURES AND TECHNICAL REQUIREMENTS FOR FILING, SIGNING AND VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS (The "Electronic Filing Procedures")

(Effective January 7, 2013)

These Administrative Procedures and Technical Requirements for Filing, Signing and Verifying Pleadings and Papers by Electronic Means (the "Electronic Filing Procedures"), together with the Local Bankruptcy Rules of the Western District of Washington Bankruptcy Court ("LBR") and General Orders of the court, govern the use of the court's Case Management/Electronic Case Filing system ("ECF").

- I. <u>Participation and Registration for ECF.</u>
  - A. Participation.
    - 1. Attorneys and Trustees. Attorneys in good standing admitted to practice in the United States District Court, Western District of Washington, and each standing and panel trustee ("Participating Attorney") may participate in ECF.
    - 2. Paralegals and Attorney Staff. Each paralegal or employee associated with a Participating Attorney may participate in ECF as a "Filing Agent" on behalf of a Participating Attorney.
    - 3. Limited Use Accounts. Institutional creditors, mediators in The Honorable Thomas T. Glover Mediation Program, and court approved transcription service providers may participate in ECF on a limited basis for the purpose of filing proofs of claims, transfers of claims, withdrawal of claims, reaffirmation agreements, requests for special notice, and other privileges as may be added at the discretion of the Clerk of the Court.
  - B. Registration. Local Bankruptcy Rule 5005-1 mandates ECF registration for attorneys, trustees, and high volume claims filers for the purpose of filing papers electronically.

- 1. ECF registration requires the completion of a registration form that is submitted to the Clerk of the Court by fax or mail to the court's ECF Help Desk address. Note that Limited Use Account registrants must complete the Limited Use Participant Registration Form. The registration forms are attached hereto as Exhibits A and B and may be updated from time to time.
- 2. Upon approval of the registration materials, the Clerk of the Court will issue an ECF login and password. Notification of the login and password will be e-mailed to the primary and alternate e-mail addresses noted on the registration form. Upon receipt of the login and password, the recipient must access the account to establish a personalized password, verify contact information, and establish preferences for email notification. Each Individual with approved registration and active login and password access is referred to as an "ECF Participant."
  - a. Each ECF Participant receives a unique password that is used to log in to ECF. For Participating Attorneys, the use of that unique participant password constitutes the attorney's signature for purposes of Fed. R. Bankr. P. 9011 on any document or pleadings filed electronically using that password. In addition, as set forth below, the Participating Attorney's signature is deemed attached to any document filed by a Filing Agent associated with that Participating Attorney.
  - b. A Participating Attorney may create Filing Agent accounts that are associated with that Participating Attorney's account. Each Filing Agent will receive a unique password and login. The use of the Filing Agent's login and password shall constitute the signature of the Participating Attorney for purposes of Fed. R. Bankr. P. 9011 on any document or pleadings filed electronically by the Filing Agent.
- 3. Each ECF Participant is responsible for maintaining a current primary and alternate e-mail address through the Maintain User Account function in ECF. Information about Maintain User Account is available on ECF and on the court's website: <a href="www.wawb.uscourts.gov">www.wawb.uscourts.gov</a>. When a Participating Attorney moves, relocates to a different firm, has a change in any contact information or changes an associated Filing Agent it is the Participating Attorney's responsibility to maintain current information in ECF.
- 4. Once an ECF Participant receives a password for use of ECF the ECF Participant will receive all future notices from the court by electronic means only.

- 5. An ECF Participant may withdraw from participation in ECF by submitting a written notice of such intent to the Clerk of the Court. Upon receipt of such notice, the Clerk of the Court will immediately cancel the ECF Participant's password, close the ECF Participant's ECF account, and delete the ECF Participant from all applicable electronic service lists.
- C. Payment of Filing Fees. ECF Participants shall pay all filing fees by credit card or bank account debit (ACH) at the time of filing through ECF's credit card or bank account debit (ACH) function. Alternative payment arrangements must be approved in advance by the Clerk of the Court.
  - 1. If a debtor is unable to pay the filing fee except in installments, and if the petition is filed electronically, an Application to Pay Filing Fee in Installments (Local Bankruptcy Form No. 3, as may be amended from time to time) must be filed at the time of the filing of the petition and be accompanied by electronic payment of the initial installment in the amount established by local court rules.
  - 2. Note that an ECF Participant's ECF account may be temporarily locked for failure to pay outstanding fees for a period exceeding one business day.
- D. Revocation of ECF Participation. The Clerk of the Court may close an ECF Participant's ECF account and revoke all ECF use and privileges under the following circumstances:
  - 1. The Participating Attorney ceases to be in good standing with the Washington State Bar Association;
  - 2. An order is entered by the U.S. District Court of the Western District of Washington suspending the Participating Attorney's ability to practice; or
  - 3. Upon order of the Chief Bankruptcy Judge.
- II. <u>Electronic Filing and Service</u>.
  - A. Mandatory Electronic Filing.
    - 1. An ECF Participant shall file all pleadings or other documents electronically through ECF except as specifically provided herein or in the Local Bankruptcy Rules.
    - 2. Individuals or entities not eligible to participate in the ECF system (see

Section I.A above) should submit pleadings and other documents conventionally.

B. Summons in Adversary Proceedings. When an adversary complaint is filed electronically, the ECF Participant will electronically receive a completed summons for each defendant. Compliance with Fed. R. Bankr. P. 7004 or LBR 7004-1 is still required.

#### C. Service.

- 1. Receipt of the Notice of Electronic Filing generated by ECF shall be the equivalent of service of the pleading identified in the notice on persons who have consented to electronic service. See Fed. R. Civ. P. 5(b)(2)(E).
- 2. Service of a paper or pleading on the United States Trustee is deemed to have occurred whenever such pleading or paper is filed electronically in accordance with these Electronic Filing Procedures; no proof of service is required to be filed.
- 3. Notwithstanding the foregoing provisions related to electronic service, conventional service of documents in hard copy shall be required in accordance with Fed. R. Civ. P. 4, Fed. R. Civ. P. 45, Fed. R. Bankr. P. 7004, Fed. R. Bankr. P. 9014(b), Fed. R. Bankr. P. 9016, any order for conventional service issued by the court, or where otherwise specifically required by the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure. Proof of service pursuant to this subparagraph is required to be filed, however, the proof of service may be filed electronically in accordance with the Electronic Filing Procedures with the representation, by the ECF Participant, that evidence of service is being maintained at the office of the ECF Participant.
- D. Orders. Proposed orders and original orders that are ready for a judge's signature shall be submitted electronically pursuant to LBR 5005-1(e).
- E. Title of Docket Entries and Pleadings. Pleadings or other documents are electronically filed using the categories and events listed on ECF. Every pleading filed in response to or subsequent to a motion or other initial pleading shall be linked to the initial pleading by including in the title of the subsequent pleading the same title as used in the initial pleading, e.g., a response to a Motion for Avoidance of Lien shall be entitled "Response to Motion for Avoidance of Lien."

#### F. Technical Failures.

- 1. An ECF Participant whose filing is untimely as the result of a technical failure of ECF may seek appropriate relief from the court. The court shall consider ECF to be subject to a technical failure if the system is unable to accept filings, either continuously or intermittently, for more than one hour after 10:00 a.m. on any given day. Known system outages will be posted on the court's web site.
- 2. Problems on the ECF Participant's end shall not constitute a technical failure under these procedures, nor excuse an untimely filing. An ECF Participant who cannot file a document electronically because of a problem on the ECF Participant's end must file the document conventionally.
- G. Time. ECF Participants may file pleadings or other documents in ECF at any time for purposes of LBR 9013-1(d). See also Fed. R. Bankr. P. 5001(a).

#### III. Public Access to ECF.

- A. Public Access to Court Electronic Records ("PACER")
  - 1. PACER provides internet access to court dockets and images. Users must establish a PACER account and register for a login and password. Registration can be completed by contacting the PACER Service Center at (800) 676-6856 or on-line at <a href="http://pacer.psc.uscourts.gov">http://pacer.psc.uscourts.gov</a>.
  - 2. A per page user's fee is charged for accessing court information through PACER. The fee is set by the Judicial Conference of the United States. See 28 U.S.C. § 1930.
- B. Public Access at the Court. The Clerk of the Court will maintain computer terminals accessible to the public to provide electronic access to ECF, including the electronic docket, during regular business hours Monday through Friday. There is no charge for viewing documents electronically at the Clerk's Office.

Effective January 7, 2013

## Exhibit A to the Electronic Filing Procedures adopted by General Order 2013-2

### UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON ELECTRONIC FILING PROCEDURES PARTICIPANT REGISTRATION FORM

To register for an account on the Court's ECF System, please provide the information requested below:

Name:		
Bar ID# and State:		
Firm Name:		
Firm Address:		
City, State, Zip Code:		
Firm Federal Tax ID #:		
Voice Phone Number:		
FAX Number:		
E-Mail Address (Primary):		
E- Mail Address (Alternate):		

By submitting this registration form, the undersigned applicant agrees to the following:

1. Federal Rules of Bankruptcy Procedure Rule 9011 and Local Bankruptcy Rule 5005-1(d) require that every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) filed with the court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. On pleadings and other documents filed electronically the signature shall be indicated by "/s/". The unique password issued to an ECF Participant identifies that participant to the court upon each login to ECF.

Note: The filing of a pleading or document by use of the Participating

Attorney's ECF password constitutes the Participating Attorney's signature for purposes of Fed. R. Bankr. P. 9011 and LBR 5005-1. Further, the filing of a pleading or document by a Filing Agent associated with a Participating Attorney constitutes the signature of the Participating Attorney for the purposes of Fed. R. Bankr. P. 9011 and LBR 5005-1.

- 2. An ECF Participant must protect and secure the password issued by the court. If there is any reason to suspect a password has been compromised, it is the ECF Participant's duty to notify the court immediately. The court will thereafter immediately delete that password from ECF and issue a new password.
- 3. By this registration, the applicant consents to the electronic service of pleadings and other papers as set forth in the Electronic Filing Procedures and Local Bankruptcy Rules.
- 4. Applicant agrees that once registered as an ECF Participant, he or she will electronically file all documents as provided in the Electronic Filing Procedures and Local Bankruptcy Rules.
- 5. Applicant understands that originals of all electronically filed pleadings, affidavits, and other documents that contain original signatures or require verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be maintained by the attorney of record or the party originating the document in accordance with LBR 5005-1(d)(2).
- 6. Applicant agrees to comply with the court's Electronic Filing Procedures, as amended from time to time.
- 7. Technical Requirements.
  - a. Each ECF Participant is responsible for maintaining their ECF account and ensuring that their email addresses, primary and alternate, are current. The ECF Participant must maintain an e-mail account with enough storage space to receive electronic notices from the court. Note that failed e-mails are returned to the court and will be deleted from the system. The Participating Attorney will have to use the ECF Electronic Notice Summary to generate any missing e-mail notifications; PACER charges will accrue.

c. Due to the volume of e-mail messages from ECF, your Internet Service Provider ("ISP") may view the ECF generated e-mail as spam. To avoid ISP blocking of ECF messages, the as ISP account should be set to permit all e-mails from <a href="mailto:ecfwebmaster@wawb.uscourts.gov">ecfwebmaster@wawb.uscourts.gov</a> , and IP addresses 199.107.16.128 and 206.18.112.128 (as amended from time to time and posted on the Court's website).				
Date	Signature of Applicant			
A scanned hard copy of the registration form with your signature on it or a digital original copy with your electronic signature are equally acceptable.  Registration can be submitted by fax: 206-370-5386				
or by mail to:	mail to: Mark Hatcher, Clerk of the Court United States Bankruptcy Court United States Courthouse 700 Stewart Street, Rm. 6301 Seattle, WA 98101-1271			

## Exhibit B to the Electronic Filing Procedures adopted by General Order 2013-2

## UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON ELECTRONIC FILING PROCEDURES LIMITED USE PARTICIPATION REGISTRATION FORM

This form is to be used to register for an account with **limited filing privileges** on the court's Electronic Case Filing System ("ECF"). Limited filing privileges are granted to institutional creditors, mediators in the Honorable Thomas T. Glover Mediation Program, and court approved transcription service providers. The limited filing privileges shall include the authorization to file proofs of claim, transfer of claims, withdrawal of claims, reaffirmation agreements, mediation forms authorized by Local Bankruptcy Rules 9040-1 through 9050-1, transcripts, and transcript related documents through ECF. Additional privileges may be added at the discretion of the Clerk of the Court.

Agency/Company:
Name of Contact/User:
Email address of user:
Street Address:
City, State, Zip:
elephone Number:

By signing and submitting this registration form, the undersigned applicant agrees to the following:

- 1. Local Bankruptcy Rule 5005-1(d)(2) provides that documents containing original signatures must be filed electronically. The ECF Participant is to retain the signed document, in hard copy, for not less than 5 years. The document filed electronically in ECF shall indicate the signature with the notation "/s/."
- 2. The login and password for filing via the ECF System shall be used exclusively by the ECF Participant.
- 3. Any suspected compromise of ECF Participant's ECF password must be reported to the court at <a href="mailto:ECFHelp\_Seattle@wawb.uscourts.gov">ECFHelp\_Seattle@wawb.uscourts.gov</a>.

4. Applicant has reviewed and will abide by all requirements set forth in the court's Electronic Filing Procedures, as may be subsequently amended.				
Date	Signature of Applicant			
A scanned hard copy of the registration form with your signature on it or a digital original copy with your electronic signature are equally acceptable.				
Registration can be submitted by fax: 206-370-5386, or by mail to:				
Mark Hatcher, Clerk of Court United States Bankruptcy Court United States Courthouse 700 Stewart Street, Room 6301 Seattle, WA 98101-1271				